

JAP:BGK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M10- 598

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UNITED STATES OF AMERICA

- against -

MARK ANDRE BENNETT,
also known as "Gary
Andre Barrett" and
Mark Roberts,"

C O M P L A I N T

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MATTHEW LEW, being duly sworn, deposes and states that he is a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about May 7, 2010, within the Eastern District of New York and elsewhere, the defendant MARK ANDRE BENNETT, also known as "Gary Andre Barrett" and "Mark Roberts," being an alien who had previously been arrested and convicted of an aggravated felony, to wit: Criminal Sale of Controlled Substance in the Third Degree, in violation of Section 220.39 of the New York Penal Law, and was thereafter deported from the United States and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland

Security, successor to the Attorney General, had expressly consented, was found in the United States.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Deportation Officer of ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On May 7, 2010, the defendant MARK ANDRE BENNETT, also known as "Gary Andre Barrett" and "Mark Roberts", was arrested in Brooklyn, New York by the New York Police Department and charged under the name "Mark Roberts" for Aggravated Unlicensed Operating Motor Vehicle in the Third Degree, in violation of Vehicle Traffic laws of New York.

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

3. A records search using the defendant's fingerprints confirmed that he is MARK ANDRE BENNETT, that he is a citizen of Jamaica and not of the United States.

4. A fingerprint comparison of the fingerprints taken in connection with the defendant's arrest on May 7, 2010 confirmed that he is the same individual convicted of Criminal Sale of Controlled Substance in the Third Degree, in violation of Section 220.39 of the New York Penal Law, an aggravated felony offense, on March 13, 1996. He was sentenced to a term of imprisonment of one year to three years. The fingerprint analysis also confirmed that he is the same individual who was deported by INS on October 27, 1997.

5. I have also reviewed official immigration records which confirm that on October 27, 1997, the defendant was deported from the United States.

6. A preliminary search of the Department of Homeland Security databases revealed that the defendant has not applied for permission from the Secretary of the Department of Homeland Security, successor to the Attorney General, to re-enter the United States after deportation.

WHEREFORE, your deponent respectfully requests that the defendant MARK ANDRE BENNETT, also known as "Gary Andre Barrett" and "Mark Roberts," be dealt with according to law.

Matthew Lew

MATTHEW LEW
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this
26th day of May, 2010.

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK